

could not but exercise a profound influence upon the Civil Law contemporaneously with which it was studied.

According to a theory which has now been put forward, the Jewish influence on European law was far more profound and far-reaching than this would imply. It has been maintained in a recent study, with a-wealth of learning and great force of argument, that Talmudic law deeply affected Syrian law, which in turn (it will be recalled that Berytus, now Beyrout, was the seat of one of the most famous Imperial schools of jurisprudence) had a great influence on the Byzantine codes and the Roman Law as it was formulated by the great legalists of the Eastern Empire. If this theory is correct, the exclusive claims of the Roman jurists and the German folk-ways to the paternity of the European codes must be modified.

It is indisputable that the parallels (it is unwise to use a stronger term) between European and Talmudic law go beyond a few vague general principles. There is Rabbinic, but not Roman, precedent for the principle *qui facit per alium facit per se* ('He who acts through another acts through himself'). The mediaeval Rabbis evolved a law of copyright which is probably anterior to the practice among their neighbours. The Jewish system of tenant-right, or right of possession, became familiar in general circles through the *Jus Gazaga*, miserably evolved through force of circumstances in the Italian Ghetto, and may not have been a barren example. The suggestion has even been made that one or two institutions and formulae of English law (such as the Writ *Eligit*, the mortgage, and the phrase *emus est solum eius usque ad coelum usque ad in/eras*) are derived

from Jewish deeds, current among, and familiar to, mediaeval lawyers in these islands. The 'universal code' based on the Bible (termed by the Rabbis the Laws of the Sons of Noah) is paralleled (to say the least) by the *jus naturale et gentium*, or Natural Law, recognised by mediaeval jurists: this in turn was the formative principle at the basis of the English Equity Law, and of the